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Date: DECEMBER 1, 2004

To: EXAMINER CHERY, M.
U.S. PATENT AND TRADEMARK OFFICE
Fax #: (703) 746-7239

From: FRANK C. NICHOLAS
Phone #: (847) 424-2521

Client/Matter No.: AUS920010132US1 (9000/29)

of Pages: 19

(including cover sheet)

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|----------------------|---------------------------|
| Attorney Docket No. | AUS920010132US1 (9000/28) |
| Application Number | 09/903,721 |
| Filing Date | JULY 12, 2001 |
| First Named Inventor | PATRICK J. BOHRER |
| Group Art Unit | 2188 |
| Examiner | CHERY, M |

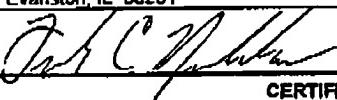
ENCLOSURES (check all that apply)

| | | |
|---|---|---|
| <input checked="" type="checkbox"/> Response to Office Action Dated November 3, 2004 <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Assignment Papers <input type="checkbox"/> Drawings: <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition Under MPEP 711.03(c)(ii) <input type="checkbox"/> Applicant Initiated Interview Request Form <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Express Abandonment Under 37 CFR 1.138 <input type="checkbox"/> Request of Refund | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Post Card Receipt <input type="checkbox"/> Additional Enclosure(s) (please identify below) |
| <input type="checkbox"/> Status Letter <input type="checkbox"/> Petition for Extension of Time Request (dup) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Supplemental Information Disclosure Statement, PTO-1449, art <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | | |
| | <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 09-0447 (IBM Corporation). A duplicate copy of this sheet is enclosed. | |
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| | Claims After Amendment | | Highest No. Previously Paid For | Present Extra | Rate | Add'l Fee | or | Rate | Add'l Fee |
| Total | | Minus | | 0 | x \$9= | 0 | | x \$18= | |
| Indep. | | Minus | | 0 | x \$44= | 0 | | x \$88= | |
| First Presentation of Multiple Dep. Claim | | | | | +\$150= | — | | +\$300= | |
| | | | | | total add'l fee | \$ 0 | | total add'l fee | \$ 0 |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------------------|--|--|------------------------|
| Firm or Individual name: | FRANK C. NICHOLAS Registration No 33,983 CARDINAL LAW GROUP 1603 Orrington Avenue, Suite 2000 Evanston, IL 60201 | | |
| Signature |  | | Date: December 1, 2004 |

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| Application Number | 09/903,721 |
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| First Named Inventor | PATRICK J. BOHRER |
| Group Art Unit | 2188 |
| Examiner | CHERY, M. |

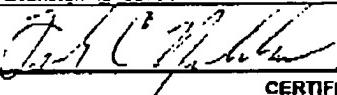
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| <input type="checkbox"/> After Final | <input type="checkbox"/> Drawings | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
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| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | <input type="checkbox"/> Request for Refund | <input type="checkbox"/> |
| | <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No 09-0447 (IBM Corporation). A duplicate copy of this sheet is enclosed | <input type="checkbox"/> |
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| Total | Minus | | 0 | x \$9= | 0 | x \$18= | |
| Indep | Minus | | 0 | x \$44= | 0 | x \$88= | |
| First Presentation of Multiple Dep. Claim | | | | + \$150= | — | + \$300= | |
| | | | | total add'l fee | \$ 0 | total add'l fee | \$ 0 |

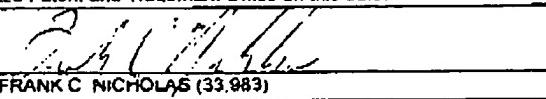
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| Firm or Individual name | FRANK C. NICHOLAS Registration No 33,983 CARDINAL LAW GROUP 1603 Orrington Avenue, Suite 2000 Evanston IL 60201 | | |
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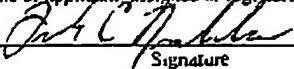
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FRANK C. NICHOLAS (33,983)
Name of applicant, assignee or registered representative


Signature

December 1, 2004
Date of Signature

PATENT
Case No.: AUS920010132US1
(9000/29)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|--|---|----------------------|
| In re patent application of: |) | |
| |) | |
| PATRICK J. BOHRER, ET AL. |) | Examiner: CHERY, M. |
| |) | |
| Serial No.: 09/903,721 |) | Group Art Unit: 2188 |
| |) | |
| Filed: JULY 12, 2001 |) | |
| |) | |
| Title: DATA STORAGE ON A MULTI-TIERED DISK SYSTEM |) | |
| |) | |

RESPONSE TO OFFICE ACTION DATED NOVEMBER 3, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the office action dated November 3, 2004, please enter the following remarks.